

B-20-199United States District Court
Southern District of Texas
FILED

NOV 30 2020

Nov 19-2020

UNITED STATES

David J. Bradley, Clerk of Court

David Greg
Gonzales

OF

Civil Action # — AMERICA DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

United States Courthouse

Brownsville, Texas

Reynaldo G. Garza - Filemon

B. Valq

Complaint: David Greg Gonzales
and Demand: Plaintiff - Appellant

Vs

for Jury Trial: Willacy County Sheriff's Dept and Jail Administrators
Major Andy Maldando

Chief Admin Rene Ramirez

Andrew Maldando of Raymondville, Texas in Willacy County

Kori Guzman et al. Defendants et al., Appellees

Parties

1. David Greg Gonzales is an individual [Plaintiff] residing at 1687 APTA21 E. Hidalgo Willacy County 78580 Raymondville, Texas is filing suit against the above entitled Defendants on the Day of November 19, 2020
Appellant

2. Major Andy Maldando is an individual [Defendant] residing at 1371 Industrial Drive Willacy County Raymondville, Texas Appellee 78580

3. Chief Admin Rene Ramirez is an individual [Defendant] residing at 1371 Industrial Drive Willacy County Raymondville, Texas Appellee 78580

4. Andrew Maldando is an individual [Defendant] residing at 523 W. Hidalgo Willacy County Raymondville, Texas Appellee 78580

[OBRA] Omnibus Budget Reconciliation Act. Which Congress passed Bill in 1987. Then too follow The Food and Drug Administration made similar recommendation in 1991 for acute care setting in Corrections and Jail Standards. Use of Restraints that are not followed by these Guidelines are held as direct and proximate Negligence and are liable for Actual Damages Compensatory Damages; and Prematory Damages.

[OBRA] Guidelines that where not followed by (Defendants) as following

- you can only use restraint as last resort
- you must have a Doctor's or Nurse's order
- you must use restraint appropriate for Inmate's condition and only for as long as necessary - according to Doctor's or Nurses order's
- document the threatening Behavior - with audio, visual rec,
- document in written report of threatening Behavior
- Restrain Inmate according to Jail Standards Policy
- Describe specific allowable circumstances
- Document the Behavior that justifies continued use of the restraintment
- check on Inmate every [15 minutes] including wrists or legs restraintment for proper circulation and motor functions and sensory functions in the restrained extremities
- Remove the restraints at 30 min-intervals specified by Doctor's or Nurses Orders
- Also allowing Inmate for toileting and active or passive range of motion exercises in Inmates Limbs

Facts

On November 21, 2019 through January 29, 2020
 On July 26; 27 - 2020; and July 29 - open date
 2020 [Defendant's] are guilty of (Battery, False
 Imprisonment, lack of Informed Consent, and denial
 of 1st amendment right of freedom of religion,
 speech, press, assembly, petition; 4th amendment right
 protection against unreasonable search and seizure;
 5th amendment right-right of accused persons-right to
 due process; just compensation; and 8th amendment right
 protections against excessive bail and cruel and
 unusual punishment

First Claim for Relief
 Battery, False Imprisonment, and Lack of
 Informed Consent

[Plaintiff] (David Greg Gonzales) according to
 PROSE and in Forma Pauperis complaint was
 on the on the above intitled facts [Plaintiff]
 was Illegally restrained and restraintment
 chair was used in Duress of Life and Liberty
 while he was an Inmate of Willacy County
 Sheriff's Dept and Jail in Raymondville, Texas on
 Dates Nov-21, 2019 threw Jan. 29, 2020. [Defendants]
 (Major Andy Maldonado, Chief Admin Rene Ramirez, Andrew
 Maldonado; and Willacy County Sheriff's Dept and Jail)
 fell guilty off using restraints and restraintment
 chair for 24 hours on one occasion. Falling
 short of, Not used without Doctor's or Nurser
 Knowledge and failed to follow Guide Guidelines

5. Willacy County Sheriff's Dept and Jail is individual
[Defendant] residing at 1371 Industrial Drive
Willacy County Raymondville, Texas Appellee 78580

6. Kori Guzman^{srt} is an individual [Defendant]
residing at 1371 Industrial Drive Willacy
County Raymondville, Texas Appellee 78580

